

**REMARKS**

This Amendment is being filed in response to the Office Action mailed in the application on September 21, 2004. Claims 1-22 are pending. Claims 8, 11, 19 and 22 have been canceled, and claims 1, 3-7, 9, 12, 14-18 and 20 have been amended.

The Examiner has objected to claims 3 and 14 because there was insufficient antecedent basis for the limitation "generating the setting information" in the claims. As suggested by the Examiner, claims 3 and 14 have been amended to replace the term "generating" with the term --creating--.

The Examiner has rejected applicants' claims 8, 11, 19 and 22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 8, 11, 19 and 22 have been canceled, thereby rendering the Examiner's rejection to such claims moot.

The Examiner has rejected applicants' claims 1-22 under 35 U.S.C. § 103(a) as being obvious over Gindlesperger (U.S. Patent No. 6,397,197) and further in view of Official Notice. With respect to applicants' claims, as amended, the Examiner's rejection is respectfully traversed.

Applicants' independent claims 1 and 12 have been amended to better define applicants' invention. Particularly, applicants' amended independent claims 1 and 12 are directed to an information processing apparatus and a storage medium storing a program for controlling an information processing apparatus, respectively, each capable of printing data by using another apparatus connected to a network. Applicants' invention is characterized by a creating means or step for creating setting information to print data during a predetermined process of making a print data recognizable by the other apparatus in accordance with a print

instruction by a user, and calculating means or step for calculating a print charge in accordance with the created setting information, wherein creating the setting information and calculating the print charge are performed before the print data is sent to the network.

As shown in FIGS. 15 of applicants' specification, a drawing request is issued from an operation system ("OS") to the printer driver in response to a user instruction (S901). If the drawing request contains print elements or attributes which influence the charging process, such as double-sided printing, page layout, and number of pages, a charge attribute creating process is executed (S904). At the same time, the drawing request is converted into print data recognizable by the printer (S905). After a job information file is created from the charge attribution information (S907), the charge application is activated (S909) and then acquires the job information file (S1501) as shown in FIG. 21. At step S1506, the charge is calculated in accordance with the attribution information in the job information file. The total charge is displayed to the user (S1507), who may then instruct the apparatus to print or cancel the request, but the charge application does not transmit the print data and job file to a print server until the setting information has been created and the print charge has been calculated in accordance with the created setting information. The invention therefore enables a user to be notified quickly of a printout charge without placing a load on the network, and also enables the user to cancel a printout process upon notification of the charge. Such construction is neither taught nor suggested by the cited reference.

With regard to claims 1 and 12, the Examiner states that Gindlesperger discloses an information processing apparatus (i.e., the PrintProSys network server) capable of outputting data by using another apparatus connected to a network. In particular, the Examiner states that

the "PrintProSys network server corresponds to the processing apparatus and vendors represent another apparatus connected to the network . . ."

The Examiner then argues the system comprises creating means for creating setting information when data is output, such as any vendor or printer that has to submit bids and thereby inherently creates setting information, and calculating means for calculating an output charge in accordance with the created setting information, i.e., the server calculates which vendors are most suitable, transmits the buyer's request, receives bids from vendors and determines the lowest price bid. The Examiner further states that creating the setting information and calculating the output charge are performed before the output data is sent to the network, in that the vendors create the setting information and the server calculates the output charge (or lowest priced bid) before the ordered printing product is sent to the vendor/printer via a network.

Following the Examiner's above interpretation of Gindlesperger, while the Examiner states that "PrintProSys server" corresponds to applicants' claimed information processing apparatus and the "vendors" to the claimed another apparatus, the Examiner then also states that "[a]ny vendor corresponds to a printer or the creating means for creating setting information when data is output." According to the Examiner, therefore, it is a "vendor" or another apparatus which does the creating and not the "PrintProSys server" and, hence, the Gindlesperger "Print ProSys server" cannot be equated to applicant's processing apparatus which comprises the creating means.

Also, as further acknowledged by the Examiner, the "PrintProSys server" "receives price bids" from the vendors and "determines the lowest bid." Again, the Examiner's argument makes it clear that the "vendors" or other apparatus determine the charges or bids and not the

"PrintProSys server." Hence, again, it is clear that the "PrintProSys server" cannot be equated to applicants' processing apparatus which calculates a print charge in accordance with the created setting information. Also, the fact that the "PrintProSys server" determines the lowest bid is not sufficient to argue that the server "calculates the output charge", since determining a bid is not a calculation of an output charge, let alone calculation of an output charge in accordance with the created setting information. Additionally, because the "PrintProSys server" does not have a creating means or a calculating means, it cannot create setting information and calculate print charge before the print data is sent to the network.

Finally, the vendors in Gindlesperger cannot themselves be equated to applicant's claimed processing apparatus. They clearly do not print data by another apparatus, nor do they create setting information to print data during predetermined process of making print data recognizable by another apparatus in accordance with a print instruction by a user. As previously stated, the vendors themselves correspond to printers, and they respond to requests for bids sent by the "Print ProSys server."

Accordingly, applicants' amended claims 1 and 12, and their respective dependent claims, in reciting an information processing apparatus capable of printing data by using another apparatus connected to a network and comprising creating setting information to print data, during a predetermined process of making a print data recognizable by the other apparatus in accordance with a print instruction by a user, and calculating a print charge in accordance with the created setting information, wherein such creating of setting information to print data and calculating a print charge in accordance with the created setting information are performed before the print data is sent to the network, patentably distinguish over the Gindlesperger

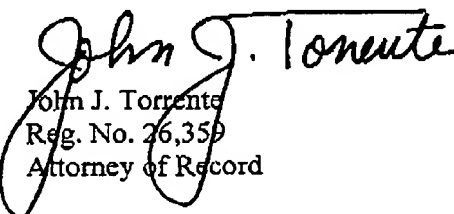
patent. Additionally, the Examiner's "Official Notice" adds nothing to the Gindlesperger patent to change this conclusion

In view of the above, it is submitted that applicants' claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested. If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicants' counsel at (212) 790-9200.

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Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P. C.  
1133 Avenue of the Americas  
New York, New York 10036  
T (212) 790-9200

  
John J. Torrente  
Reg. No. 26,359  
Attorney of Record